

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARRY KELLY, et al.,
Plaintiffs,

v.

CBS CORPORATION, et al.,
Defendants.

Case No. [11-cv-03240-VC](#)

**ORDER RE MOTIONS IN LIMINE NO.
4 AND NO. 4A**

Re: Dkt. Nos. 59, 71

The defendants' motions in limine No. 4 and No. 4A are granted in part and denied in part.

Charles Ay may not offer an expert opinion that Crane valves or Aqua-Chem condenser units (or associated gaskets or packing) were present on the U.S.S. Downes, because Mr. Ay's reports did not disclose an independent basis for any such opinion. His reports stated only that his opinions about Kelly's exposure were based on Kelly's declarations and Kelly's Product Identification Memo, which asserted that Crane valves and Aqua-Chem condenser units were on the ship.

However, Mr. Ay may testify as to the markings that would identify whether maintenance had previously been performed on a valve, pump, or other similar equipment aboard a Navy ship. And Mr. Ay may testify that, assuming the truth of the allegations in Mr. Kelly's declarations and the Product Identification Memo, Mr. Kelly would have been exposed to respirable dust and debris from asbestos-containing gaskets and packing supplied by Crane and Aqua-Chem.

In all other respects, the motions in limine are denied.

IT IS SO ORDERED.

Dated: May 11, 2015



VINCE CHHABRIA
United States District Judge